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Swift, Charles M.

Scuttling the Philippines

New York

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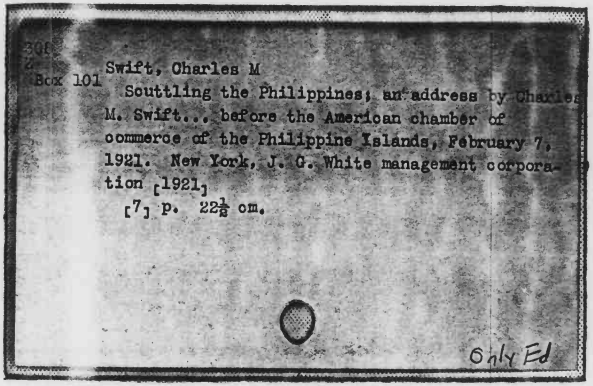
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SCUTTLING THE PHILIPPINES

An address by

CHARLES M. SWIFT

President of Manila Electric Co.

Before the

AMERICAN CHAMBER OF COMMERCE
OF THE PHILIPPINE ISLANDS
February 7, 1921

Compliments of

THE J. G. WHITE MANAGEMENT CORPORATION
43 EXCHANGE PLACE NEW YORK

Scuttling the Philippines

WHY should politics be discussed before a commercial body? For the reason that in the Philippine Islands nothing so concerns commerce as the proper solution of the political question, by which, of course, I mean the political relations of the Islands with the United States. A permanent solution of that problem, with its consequent elimination from public discussion, would bring to the Islands and to the Filipinos and Americans in the Islands an era of prosperity of which the most sanguine optimist has hardly dreamed. At the outset, I propose to enumerate certain generalizations which are, in truth, axiomatic, but which are not always in mind when politics are discussed in Manila.

"State independence and liberty are not interchangeable terms. Russia was an independent state, but the Russian people were slaves to ruthless autocracy. It is beyond the power of the United States to confer unqualified independence on the Filipinos. Its complete withdrawal from the Islands would simply change the type of Philippine dependence from dependence on a strong constitutional government to dependence on chance pregnant with disastrous possibilities.

"Liberty is a personal matter; it belongs not to the state but to the citizen. In the last analysis, it is security; security against domestic tyranny and security against foreign aggression. The more perfect, the more permanent, the better assured that

security, the more perfect the liberty of the citizen. To destroy that security is to destroy liberty.

"There are two types of sovereignty, autocratic and constitutional. Autocratic sovereignty means the exploitation of the subject for the aggrandizement of the sovereign; constitutional sovereignty means the devotion of the sovereign to the welfare of the subject. Constitutional sovereignty, American sovereignty, is service. It is not imposed as a burden, it is bestowed as a boon; it is a sure guaranty to the subject of the security which is liberty.

"One result of the war with Spain and the subsequent Treaty of Paris was that the United States became possessed of the Philippine Islands, which, thereupon, to use the language of the Supreme Court of the United States, 'became United States territory.' The Filipinos came under the sovereignty of the United States; in other words, entitled to its sovereign service and to the security guaranteed by that sovereignty; in other words, liberty.

"In the fundamental law of the Islands, Congress declared Filipinos to be citizens of the Philippine Islands (which was United States territory), and as such, entitled to the protection of the United States. Citizenship, broadly speaking, is the reciprocal relation existing between subject and sovereign, connoting allegiance on the one hand and protection on the other. Filipinos became citizens of the Philippine Islands, which is United States territory, and that citizenship was created by the United States. Whether a Filipino became thereby a United States citizen is another story on which I have positive opinions; but, whether you call him citizen, subject or ward, the relation between him and the United States Government exists, the status has been created, he is under United States sovereignty, and Congress, by formal and solemn enactment, has declared that he is entitled to the protection of the United States.

"By way of diversion, let me suggest that citizenship and sovereignty are, quite consistently, dual. The American constitution provides that every person in the United States becomes thereby a citizen of the United States and of the State wherein he resides. Thus, I am a citizen of and owe allegiance to the State of Vermont. I am subject to its laws, I am entitled to the protection of its police and its courts. But, I am also a citizen of the United States. The United States Federal Government touches my life only in a few particulars. It taxes my income, prohibits my drinking (but Vermont had already done that), it furnishes me mail facilities and it is the guarantor that my constitutional rights shall not be infringed by state laws. But, in most of my affairs, it is the Vermont courts that govern me. In like manner, the Filipino, is, as far as everything local is concerned, subject to his own law makers; it is only in matters called federal that the United States appears in the scheme at all.

"Congress followed up its declaration fixing the status of the Filipino by insuring him against domestic tyranny. It provided in effect that all laws made in the Philippines must conform to the principles of American constitutional government. In its fundamental law and other amendments thereto, including the Jones Bill, it has laid down the same constitutional limitations on the legislative branch of the government as are contained in the fundamental laws of the several states, the principles that make up the so-called Bill of Rights. Thus, it prohibits slavery, it insures free speech and freedom of the press, it guarantees religious freedom, it prohibits ex post facto laws, it prohibits legislation that impairs the validity of contracts, it prohibits the taking of property except by due process of law, and so on. In other words, it has given the Filipino an Anglo-Saxon government. This enactment is the Magna Charta of the Filipino citizen; it is guaranty of personal security against domestic tyranny; it is liberty.

"Thus, the present status of the Filipino is that he is guaranteed not only against foreign aggression but against domestic tyranny.

"An English judge once declared that the moment a slave set foot on English soil, he became forever thereafter a free man. I believe that when the question arises, the Supreme Court of the United States will in like manner declare that when the United States has conferred upon any man the security that constitutes liberty that that gift is permanent and irrevocable and may never be withdrawn.

"There you have the principles. Now for their application. Are they consistent with the ambition of the Filipino for the qualified independence suggested by the President of the Philippine Senate? That, of course, must depend on the character of the qualifications embraced in the covenant, charter or constitution agreed upon between the Filipinos on the one hand and the United States Government on the other. Assuming that these terms include a frank common sense recognition of

the Filipino's need for American protection against foreign aggression with a guaranty of all the facilities for whatever military and naval program may be necessary for that purpose and for the carrying out of whatever American international policy may be adopted with reference to the Pacific; if there shall be incorporated in the Philippine Constitution the American Bill of Rights, which guarantees private citizens against domestic tyranny with the right of appeal to United States courts when such rights are invaded or threatened; if it shall recognize that, inasmuch as the United States has undertaken to insure it against foreign aggression, its foreign policy must necessarily be controlled by the United States; if it indicates a willingness to be guided in governmental finance by American expert opinion; then, I see no objection to the plan.

"We have seen that in the United States federal sovereignty is not exclusive; we have seen that the same man may be a citizen of his sovereign state, sovereign because in most matters it exercises complete sovereign rights, and at the same time, a citizen of the United States; that the sovereignty of the United States is federal, only exercising those powers that serve the interests of the people as a whole and insuring them against state laws that violate constitutional principles. If there can be under our constitution a sovereign United States and a sovereign State of Vermont, I see no reason why in like manner there might not be a sovereign United States and a sovereign Philippine Government, protected against foreign aggression by the United States and guided in federal matters and in matters that protect the citizen in his liberty by the United States.

"But, as I have said, it all depends on the concessions that the Filipinos are willing to make. There can be no better test of Filipino statesmanship and Filipino political capacity than the spirit in which this question is handled from their side.

"I was fortunate enough to be present at a despedida luncheon given to Governor General Harrison at the Columbia Club and to hear President Quezon's remarks on that occasion. He went as far, perhaps, as was consistent with good policy. I can only surmise how much further he and the Filipino people would be willing to go. My judgment of the attitude of Congress is based on abiding faith that whatever is done by the United States will be what Congress deems to be for the best interests of the Filipinos—not the Filipino leaders but the Filipino citizen. What the Islands need is a permanent solution of the question. It is not a matter to be approached from either side with distrust or suspicion, but with cordial sympathy. It is not a question that will be settled in Manila, but in Washington. I feel confident that, unless some mischievous partisan on either side throws a monkey wrench into the machinery, it can be and will be settled on a basis that will reflect credit on American patriotic altruism and will insure to the Filipino a continuance of the priceless blessings of liberty he now enjoys and give him the security he demands. Form is nothing; substance is everything.

"Of one thing, however, you may be well assured; the present status will continue with its unsatisfactory uncertainty or there will be a compromise of the kind I have referred to. Despite the confident prediction of some persons, the United States will never *scuttle* the Philippine Islands. The scuttling plan means the withdrawal of the United States, horse, foot and dragoon; its army, its navy and its constitution. To my mind, the most calamitous of these would be the withdrawal of the American constitutional sanctions. Today, you are living under laws that must conform to American ideals; tomorrow, you would be subject to laws framed for your benefit or your undoing, framed on whatever theory a new government might devise to satisfy the resentment of the Filipino people. For you may be assured that there would be resentment, deep and burning resentment, by the Filipinos themselves against the scuttle policy, as soon as they realized what it meant. The Government that followed the present might be democratic, or Bolsheviki, or autocratic. It would be independent and no concern of ours; you would be foreigners in a strange land. The United States could legitimately make no protest if laws were passed that diminished or destroyed your titles, or prevented your doing business. Such a solution is too repugnant to common decency, too cruel in its cynical disregard of solemn obligations. It would never meet the approval of the people of the United States, they will never consent to the expatriation of 10,000,000 people on whom they have conferred the blessings of liberty, to whom they have solemnly guaranteed protection. Such an act would be to cast an indelible stain of dishonor upon the Stars and Stripes, to turn boasted altruism into treacherous hypocrisy. The United States has always paid its debts; it will discharge its obligations to the Filipino people, and to you Americans who have come to the Far East at the suggestion of the government, relying on the implied promise of the American government that you might continue to do business under the principles of law under which you have been trained."

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